

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10

11 THERON KENNETH HOLSTON,

12 Plaintiff,

13 v.

14 G. VIERA ROSA,

15 Defendants.
16

No. 2:20-cv-01076-KJM-CKD P

ORDER

17 Plaintiff is a county inmate proceeding pro se and in forma pauperis in this civil rights
18 action filed pursuant to 42 U.S.C. § 1983. On September 24, 2021, plaintiff filed a motion to
19 withdraw his request for a temporary restraining order based on his changed conditions of parole.
20 ECF No. 66. The court will grant plaintiff's motion and vacate the Amended Findings and
21 Recommendations issued on July 29, 2021 which recommended granting, in part, and denying, in
22 part, plaintiff's motion for a temporary restraining order. To the extent that plaintiff's motion to
23 withdraw seeks leave to file a second amended complaint, the court will deny the request without
24 prejudice to filing a formal motion to amend along with a proposed third amended complaint.

25 Additionally, as this case did not settle, the court will reset the deadlines governing the
26 scheduling of this case.


27 ///

28 ///

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's motion to withdraw the request for a temporary restraining order (ECF No. 66) is granted.
2. The Amended Findings and Recommendations issued on July 29, 2021 (ECF No. 62) are vacated.
3. To the extent that plaintiff's motion seeks leave to file a second amended complaint, the request is denied without prejudice to filing a formal motion to amend along with a proposed second amended complaint. Any motion to amend shall be filed within 30 days from the date of this order.
4. The court modifies the previously issued Discovery and Scheduling Order by extending the discovery cut-off date to January 7, 2022. Any motions necessary to compel discovery shall be filed by that date.
5. All pretrial motions, except motions to compel discovery, shall be filed on or before April 4, 2022.

Dated: October 7, 2021


CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

12/hols1076.withdrawTRO.docx